

SENATE BILL NO. 20

INTRODUCED BY D. GRIMES

BY REQUEST OF THE SUPREME COURT

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING COURT REPORTERS APPOINTED AS INDEPENDENT CONTRACTORS FROM THE MONTANA PROCUREMENT ACT; AMENDING SECTION 18-4-132, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 18-4-132, MCA, is amended to read:

"18-4-132. Application. (1) This chapter applies to the expenditure of public funds irrespective of their source, including federal assistance money, by this state acting through a governmental body under any contract, except a contract exempted from this chapter by this section or by a statute that provides that this chapter does not apply to the contract. This chapter applies to a procurement of supplies or services that is at no cost to the state and from which income may be derived by the vendor and to a procurement of supplies or services from which income or a more advantageous business position may be derived by the state. This chapter does not apply to either grants or contracts between the state and its political subdivisions or other governments, except as provided in part 4. This chapter also applies to the disposal of state supplies. This chapter or rules adopted pursuant to this chapter do not prevent any governmental body or political subdivision from complying with the terms and conditions of any grant, gift, bequest, or cooperative agreement.

(2) This chapter does not apply to construction contracts.

(3) This chapter does not apply to expenditures of or the authorized sale or disposal of equipment purchased with money raised by student activity fees designated for use by the student associations of the university system.

(4) This chapter does not apply to contracts entered into by the Montana state lottery that have an aggregate value of less than \$250,000.

(5) This chapter does not apply to contracts entered into by the state compensation insurance fund to procure insurance-related services.

(6) This chapter does not apply to employment of:

- 1 (a) a registered professional engineer, surveyor, real estate appraiser, or registered architect;
2 (b) a physician, dentist, pharmacist, or other medical, dental, or health care provider;
3 (c) an expert witness hired for use in litigation, a hearings officer hired in rulemaking and contested case
4 proceedings under the Montana Administrative Procedure Act, or an attorney as specified by executive order
5 of the governor;
6 (d) consulting actuaries;
7 (e) a private consultant employed by the student associations of the university system with money
8 raised from student activity fees designated for use by those student associations;
9 (f) a private consultant employed by the Montana state lottery;
10 (g) a private investigator licensed by any jurisdiction; ~~or~~
11 (h) a claims adjuster; or
12 (i) a court reporter appointed as an independent contractor under 3-5-601.

13 (7) (a) This chapter does not apply to electrical energy purchase contracts by the university of Montana
14 or Montana state university, as defined in 20-25-201.

15 (b) Any savings accrued by the university of Montana or Montana state university in the purchase or
16 acquisition of energy must be retained by the board of regents of higher education for university allocation and
17 expenditure."

18
19 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

20 - END -